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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/682,239

08/08/2001

Yimin Jin

41980.001066

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09/26/2006

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EXAMINER

FISHER, MICHAEL J

ART UNIT

PAPER NUMBER

3629

DATE MAILED: 09/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/682,239

Applicant(s)

JIN ET AL.

Examiner

Michael J. Fisher

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 August 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: All of them except for Figs 1 and 2. For instance, there are no numbers in Fig 3 even though they are clearly called out in the Detailed Description. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by US PAT 4,992,940 to Dworkin.

As to claim 1, Dworkin discloses a method for introducing a supplier into a system (title) that initiates a supplier introduction process (inherent in that new suppliers are introduced), receiving information relating to the supplier and the material (3. in fig 3), receiving information on a product (inherent in that they are evaluating suppliers, what their supplies would make would be necessary to the process), progressing through stages (fig 2A), holding a stage tollgate (25, 31, 37 as best seen in fig 2A), determining whether the new supplier introduction should advance (27, 33, 73).

As to claim 2, Dworkin discloses progressing through a first stage relating to identification (25), a second stage relating to a launch (31), a third stage relating to material qualifications (fig 6), a fourth stage relating to scale up and customer sampling (fig 7), a fifth stage relating to purchasing ("1) ORDER A PRODUCT" as best seen in fig 7) and a sixth stage relating to monitor the performance (col 10, lines 9-12).

As to claims 3-8, Dworkin discloses determining whether the tollgates should be passed and permitting advancement (figs 2A, 2B as is inherent in that the tollgates are disclosed as needing to be passed and the supplier and supplies being investigated before passing the tollgates).

As to claim 14, Dworkin discloses conducting a manufacturing capability audit (fig 7) and determining the field performance of the material (col 10, lines 10-15).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Dworkin.

Dworkin discloses a method as discussed above.

As to claim 9, the "global specification process" would be that which is delineated in figs 2A and 2B. Dworkin further assesses the affects of the supplier on the customer (fig 7, the various "Comments of Supplier" would meet this limitation), identifying required technical customer needs that relate to the supplier (fig 7). Dworkin does not, however, teach analyzing environmental health and safety related risks, evaluating for compliance with regulations or conducting a new supplier risk assessment. It would have been obvious to analyze for environmental health and safety risks as there are workplace guidelines (such as those under OSHA) required and this would ensure legality of a process. It further would have been obvious to have a "new supplier risk assessment", both internally and externally, to ensure profitability of the process and product.

As to claim 10, Dworkin does not teach a questionnaire, evaluating the project for compliance with other regulations, developing a project timeline and resourcing plan or conducting a project risk assessment. It would have been obvious to use a questionnaire when analyzing compliance with environmental and safety concerns as this would be useful multiple times and would ensure conformity among different products and processes. It further would be obvious to ensure compliance with other regulations to ensure that the process and product are legal. It is old and well known to have a project timeline and resourcing plan, it would have been obvious to one of ordinary skill in the art to have a project timeline and resourcing plan to ensure the products are supplied to the customer in a timely manner. It further would have been obvious to have a "project risk assessment", to ensure profitability of the project.

As to claim 11, it is old and well known to validate material test methods Further, as Dworkin discloses checking to ensure that the suppliers are meeting their obligations (col 10, lines 10-12). Therefore, it would have been obvious to one of ordinary skill in the art to validate material test methods to ensure that the materials are up to the standards required.

As to claim 12, it would inherent that a "global specification" was finalized else the process could not occur. It would have been obvious to one of ordinary skill in the art to obtain any required agency approvals to ensure legality of the product and process.

As to claim 13, Dworkin discloses translating the material to additional businesses (when sold), determining whether the suppliers have demonstrated

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manufacturing capability (col 10, lines 10-15). It is old and well known to develop a control and audit plan, therefore, it would have been obvious to develop a control and audit plan to ensure the process is working as required.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Fisher whose telephone number is 571-272-6804. The examiner can normally be reached on Mon.-Fri. 7:30am-5:00pm alt Fri. off.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MF

9/21/06

Michael J. Fisher



Patent Examiner
GAU 3629